

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:

Arturo Portales, D.O.
Holder of License No. 3315 for the
practice of osteopathic medicine in the
State of Arizona

Case No. 2766

**STIPULATION AND CONSENT
ORDER FOR RESTRICTION OF
LICENSE**


STIPULATION

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Arturo Portales, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Stipulation and the attached Consent Order; and Respondent is aware of and understands the content of these documents.
2. Respondent understands that by entering into this Stipulation, he voluntarily relinquishes any rights to a hearing on or to seek judicial review of the stipulated consent order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record that will be disseminated as a formal action of the Board.
5. Respondent does not contest the statement of facts and conclusions of law contained in the Stipulated Consent Order.
6. All admissions made by Respondent are solely for immediate disposition of this matter pending an Informal Interview/Investigative Hearing and any subsequent administrative proceedings or litigation involving the board, Respondent and the State of Arizona.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first obtaining Board approval.

REVIEWED AND ACCEPTED this 19th day of April, 2000.


Arturo Portales, D.O.

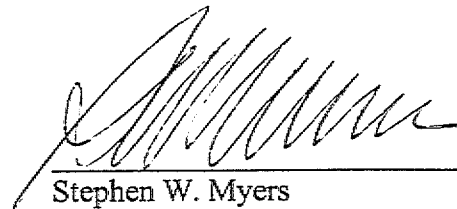
STATE OF ARIZONA)
) ss
County of Maricopa)

This instrument was acknowledged before me this ____ day of April, 2000 by the above-named individual.

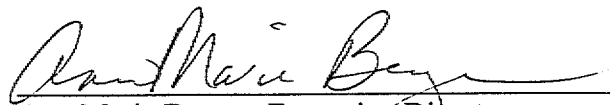
Notary Public

My Commission expires:

REVIEWED AND APPROVED as to form by counsel for Respondent on this 19th day of April, 2000.


Stephen W. Myers

REVIEWED AND SIGNED this 19th day of April, 2000 for the Board by:


Ann Marie Berger, Executive Director
Arizona Board of Osteopathic Examiners in
Medicine and Surgery

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FINDINGS OF FACT

1. Arturo Portales, D.O., (hereafter "Respondent"), is a licensee of the Board and the holder of License No. 3315.
2. The following information was brought to the attention of the Board that Respondent may be engaging in the practice of medicine regarding prescribing prescription-only and controlled substances medications without a proper evaluation of the patient and may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854, including but not limited to subsections (6) and (38):
 - a. On April 10, 2000 an investigation was opened after receiving an allegation that Respondent was prescribing prescription-only and controlled substance medications via the internet to the public without establishing a doctor/patient relationship or seeing the patient in the office to complete a physical and history.
3. Respondent will appear at a Board meeting for an Informal/Investigative Hearing for the Board to review this matter.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. Pursuant to Arizona Revised Statutes § 32-1855(E) and § 1092.07(F)(5), the parties may enter a Stipulated Consent Order for the restriction of a license.

3. Based upon the Findings of Fact set forth above herein, the Board concludes that it has the requisite factual basis and legal authority for Respondent to restrict his license.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Respondent's Board License Number 3315 for the practice of osteopathic medicine and surgery in the State of Arizona is hereby restricted from prescribing any prescription-only and controlled substance medications via the internet without performing complete physicals and histories or renewing any prescriptions for prescription-only and controlled substance medications via the Internet that have not had complete physicals and histories until the Board makes a further determination.

EFFECTIVE this 19th day of April, 2000.

**ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY**

By: Ann Marie Berger
Ann Marie Berger, Executive Director
9535 E. Doubletree Ranch Rd.
Scottsdale, AZ 85258

Served by personal service or sending
U.S. certified mail and via fax (480) 816-6964
this ____ day of April, 2000-04-18

Arturo Portales, D.O.
13501 Manzanita Lane
Fountain Hills, AZ 85268
Copy mailed this ____ day of April, 2000
to:

Blair Driggs

Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix, AZ 85007

Celina Shepherd